

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF TEXAS, HOUSTON DIVISION

**PATRICK HENRY MURPHY, JR.,**  
*Plaintiff,*


V.

**BRYAN COLLIER**, Executive Director,  
Texas Department of Criminal Justice,  
Huntsville, Texas

**LORIE DAVIS**, Director, Texas Department  
of Criminal Justice, Correctional Institutions  
Division, Huntsville, Texas

**BILLY LEWIS**, Warden, Texas Department  
of Criminal Justice, Huntsville Unit,  
Huntsville, Texas

*Defendants.*



Civil No.4:19-cv-01106

**\*\*\*CAPITAL CASE\*\*\***

## Advisory

Counsel for Plaintiff file this advisory to confirm the trial court has entered an order scheduling Murphy to be executed on November 13, 2019. The trial court entered its order in response to a motion from the State, which undersigned Counsel opposed. Counsel have attached,

as Exhibit 1, the Response in Opposition to the State's Motion, which they filed in the trial court the same day the State filed its Motion. The response informed the trial court of both the Supreme Court's order staying Murphy's execution and the ongoing proceedings in this Court.<sup>1</sup>

Respectfully submitted,

/s/ David R. Dow

/s/ Jeffrey R. Newberry

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*Counsel for Patrick Henry Murphy, Plaintiff*

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<sup>1</sup> Since the time Counsel filed the response attached as Exhibit 1, Defendants have been granted a second extension in the Supreme Court proceedings. Defendants' Brief in Opposition is currently due to be filed on or before September 27. If Defendants file their Brief on that day, Murphy's Petition for Writ of Certiorari will probably be conferenced on November 1.

### **Certificate of Service**

I certify that on September 11, 2019, I electronically filed the foregoing pleading using the electronic case-filing system of the Court. A notice of electronic filing was sent to:

Leah O'Leary  
Amy Prasad  
Office of the Attorney General  
P.O. Box 12548 7th Fl.  
William P. Clements Building  
Austin, Texas 78711-2548  
Tel. 512-463-2080

s/ Jeffrey R. Newberry

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Jeffrey R. Newberry